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93D CONGRESS
1ST SESSION

H. R. 9783

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1973

MR. EDWARDS of California introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To regulate the collection, storage, and dissemination of information by criminal data banks established or supported by the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SECTION 1. As used in this Act—

(1) the term "criminal data bank" means any criminal information data collection or storage operation which collects or maintains data identifiable to individuals and not generated in the course of such operation's official duties of the apprehension, adjudication, confinement, or rehabilitation of persons charged with

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or convicted of criminal offenses, and which is financed in whole or in part, directly or indirectly, by the United States, and which utilizes computers and data processing, or manual techniques, or a combination of such techniques, to compile data for dissemination to any person;

(2) the term "data" means any information on the allegedly criminal activities of any person, or pertaining to the apprehension, adjudication, confinement, or rehabilitation of any person on account of such activities;

(3) the term "criminal justice agency" means any public agency directly and principally engaged in the apprehension, adjudication, confinement, or rehabilitation of persons charged with or convicted of criminal offenses; and

(4) the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and any other territory of the United States.

DATA CONTENT

SEC. 2. (a) No criminal data bank shall collect, maintain, or disseminate any information identifiable to an individual, unless such information is data which—

(1) is recorded by an officer or employee of a criminal justice agency in the performance of official duty;

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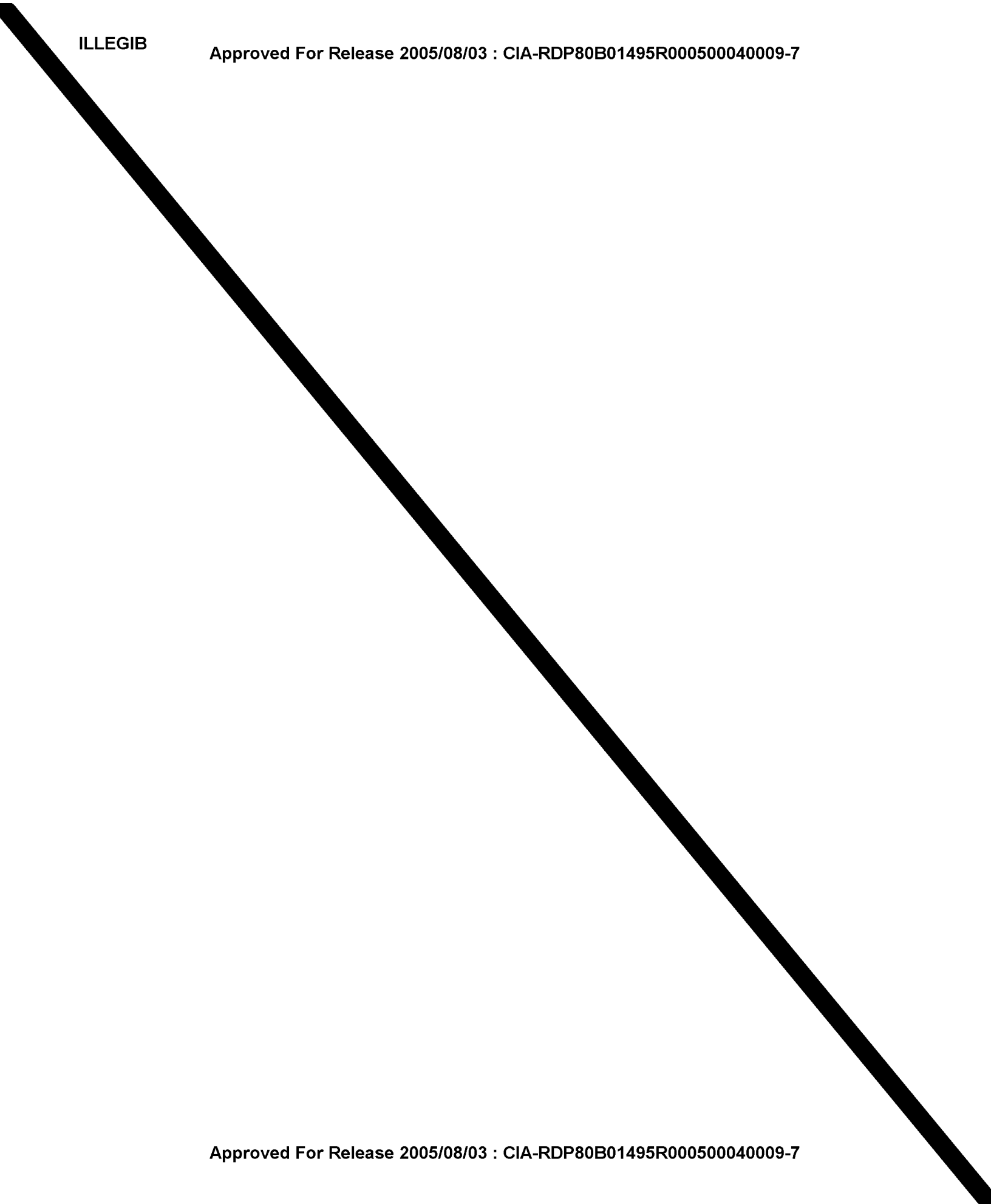

Approved For Release 2005/08/03 : CIA-RDP80B01495R000500040009-7

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disseminate any information which is defined as a juvenile record under the law of the State of the origin of such information.

(e) No criminal data bank shall collect, maintain, or disseminate any data relating to an offense for which the maximum penalty imposed by law is less than six months imprisonment or a fine of not more than $100.

(f) Each criminal data bank shall maintain a complete record of the sources of each item of data on record at such bank.

ACCESS AND DATA USE

SEC. 3. (a) No criminal data bank shall release any data to any person who is not an official of a criminal justice agency who seeks such data in the course of official duty, nor shall any person not in the course of official duty as such an official seek any data from a criminal data bank.

(b) Each criminal data bank shall maintain a complete record of to which persons, representing what organizations, and on what dates data has been disseminated.

(c) The identity of the official seeking data, and the purpose for which such data are sought shall be verified in each instance data are sought, under such rules as the Attorney General shall establish.

(d) No data received from a criminal data bank shall be used other than for the purpose specified and verified

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under subsection (c), nor shall any recipient of such data divulge such data to any person other than other officials of the criminal justice agency employing the recipient. Each copy of data transmitted from a criminal data bank shall conspicuously give notice of the penalties for violations of this subsection.

(e) Data may be divulged by a criminal data bank for the purposes of outside audits under section 2 (b).

(f) Data may be disseminated by a criminal data bank for the purposes of research, but no data so disseminated shall be identifiable to any person.

(g) Each copy of data disseminated by a criminal data bank shall contain a clear statement of—

(1) the data bank from which it is disseminated; and

(2) the original source or contributor of such data.

RIGHT TO INSPECT, CHALLENGE, AND CORRECT DATA

SEC. 4. (a) Each criminal data bank shall provide for the inspection and challenge by any person of data contained in such criminal data bank and identifiable to that person, and for the correction of any data found to be erroneous upon such inspection and challenge.

(b) A criminal data bank may make reasonable rules to provide for the verification of the identity of any person seeking to inspect data under subsection (a).

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INDEPENDENCE OF DATA BANK

SEC. 5. Each criminal data bank shall be independent and distinct from any other data collection or storage operation.

PENALTIES

SEC. 6. (a) With respect to any criminal data bank established under the authority of the United States—

(1) whoever being the officer or employee of such criminal data bank willfully violates any provision of this Act or any rule prescribed by the Attorney General under this Act, and whoever being a recipient of data from such criminal data bank divulges any such data in violation of section 3(d) shall be fined $5,000 and imprisoned not more than five years;

(2) whoever is aggrieved by any violation of this Act by a criminal data bank or any of its officers or employees or any rule prescribed by the Attorney General under this Act, may, in a civil action, obtain injunctive and declaratory relief against the United States, or against such criminal data bank, officer, or employee, and recover actual and punitive damages, but in no case less than $1,000 per violation.

(b) With respect to any criminal data bank other than one established under the authority of the United States, [illegible] violation

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by such criminal data bank, or any of its officers or employees—

(1) shall order the termination for a period of not more than two years of all Federal financial assistance to such criminal data bank,

(2) shall make an order that no data bank established under the authority of the United States shall furnish any data to such criminal data bank during a period of not more than two years, or

(3) shall order both such termination of financial assistance and such termination of furnishing data.

EFFECTIVE DATE

SEC. 7. This Act shall take effect six months after the date of its enactment.

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